

TO: Mail Stop 8 Director of the U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. CV 07-01427 WHA	DATE FILED March 12, 2007	U.S. DISTRICT COURT 450 Golden Gate Avenue, PO Box 36060, San Francisco, CA 94102
PLAINTIFF EXONHIIT THERAPEUTICS		DEFENDANT JIVAN BIOLOGICS
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,881,571		
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3		
4		
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In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT See attached Stipulation and Entry of Judgment

CLERK Richard W. Wicking	(BY) DEPUTY CLERK William Noble	DATE March 2, 2010
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Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

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13 UNITED STATES DISTRICT COURT
14
15 NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

16 EXONHIT THERAPEUTICS S.A.
a French société anonyme, and EXONHIT
17 THERAPEUTICS, INC., a Delaware
Corporation,

18 Plaintiffs,

19 v.

20 JIVAN BIOLOGICS, INC.
a Delaware corporation,

21 Defendant.

22 JIVAN BIOLOGICS, INC.
23 a Delaware corporation,

24 Counter-Claimant

25 v.

26 EXONHIT THERAPEUTICS S.A.
a French société anonyme, and EXONHIT
27 THERAPEUTICS, INC., a Delaware
28

Case No. C07 1427 WHA (JCS) (EDL)

**STIPULATION AND CONSENT TO
ENTRY OF JUDGMENT**

CASE NO. C07 1427 WHA (JCS) (EDL)

STIPULATION AND CONSENT TO
ENTRY OF JUDGMENT

1 Corporation,

2 Counter-Defendants
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5 Plaintiffs ExonHit Therapeutics S.A. and ExonHit Therapeutics, Inc. (collectively
6 "ExonHit"), and Defendant, Jivan Biologics, Inc. ("Jivan") hereby agree and consent to entry of
7 Judgment on the terms set forth below:

8
9 **STIPULATION AND CONSENT TO JUDGMENT**

10 1. This case arises under the Patent Act, 35 U.S.C. § 1 et seq. This Court has jurisdiction
11 over the parties and the subject matter hereto, and venue is proper in this District.

12 2. ExonHit filed its Complaint against Defendant Jivan on March 12, 2007. ExonHit's
13 complaint sets forth a claim against Jivan for infringement of United States Patent N°6,881,571
14 (the "'571 Patent").

15 3. ExonHit Therapeutics S.A. is the owner of all rights, title and interest in the '571
16 Patent, entitled "Qualitative Differential Screening".

17 4. Jivan has infringed, induced others to infringe, and/or contributed to the infringement
18 of the claims of the '571 Patent by making, having made, using, selling and/or offering to sell
19 splice variant microarray device that were made, used, sold, and/or offered for sale prior to entry
20 of this Stipulation And Consent To Entry of Judgment. At the time of infringement, Jivan was
21 aware of the existence of the '571 Patent.

22 5. All claims of the '571 Patent are valid and enforceable.

23 6. The reexamination proceeding before the U.S. Patent and Trademark Office,
24 including specifically the amendment to claims 1 and 12, did not substantively change the claims
25 of the '571 patent.

26 7. Jivan shall not challenge the validity nor assist any third party, directly or indirectly, in
27 challenging the validity or enforceability of the '571 Patent.

28 CASE NO. C07 1427 WHA (JCS) (EDL)

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STIPULATION AND CONSENT TO
ENTRY OF JUDGMENT

1 8. In any action to enforce the terms of this Consent Judgment, Jivan shall not assert any
2 affirmative defense to patent infringement for any splice variant microarray device made, used,
3 sold, or offered for sale prior to the date of entry of this Consent Judgment.
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5 **JUDGMENT**

6 The Court, pursuant to the stipulation of the parties, ORDERS, ADJUDICATES AND
7 DECREES that:

8 1. Judgment is entered against Defendant for infringement of the '571 patent, and to
9 this end, as of the date of this Judgment, Jivan and its officers, directors, owners, agents, servants,
10 representatives, employees, assigns and successors shall be and are hereby permanently enjoined
11 and restrained from making, using, selling, or offering to sell any devices that infringe, literally or
12 under the doctrine of equivalents, the claims of the '571 Patent, or importing such infringing
13 devices into the United States, or inducing others to infringe or contributing to the infringement
14 of the claims of the '571 Patent.

15 2. Jivan's counterclaims are dismissed with prejudice.

16 3. ExonHit releases Jivan from claims for damages for Jivan's splice variant microarray
17 devices and services sold prior to entry of this Consent Judgment.

18 4. This is a final judgment. No appeals shall be taken from this judgment, and the parties
19 waive all rights to appeal. This is not adjudication on the merits by the Court. The Court
20 has not accepted (or rejected) any of the stipulated items set forth above. Nonetheless,
21 based upon the above stipulation, the Court will enforce the stipulated judgment as
22 between the litigating parties.

23 5. This Court shall retain jurisdiction over the parties and this action for purposes of
24 enforcing the Stipulation and Consent to Judgment.
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1 Dated: March 1, 2010

EXONHIT THERAPEUTICS, S.A.

2 By: [Signature]
Loic Maurel
President, Management Board

3 Dated: March 1, 2010

EXONHIT THERAPEUTICS, INC.

4 By: [Signature]
Loic Maurel
President

5 Dated: March 01, 2010

JIVAN BIOLOGICS, INC.

6 By: [Signature]
Sudha Srinivasan
Corporate Executive Officer

7 APPROVED AS TO FORM AND CONTENT:

8 Dated: March 1, 2010

BROOKS KUSHMAN P.C.

9 By: [Signature]
William E. Thomson, Jr.
Attorneys for Plaintiffs

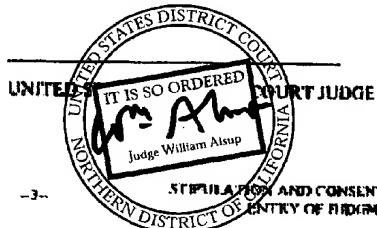
10 Dated: March 1, 2010

SHAUB & WILLIAMS LLP

11 By: [Signature]
Elizabeth Beaumont Merrill
Attorneys for Defendants

12 IT IS SO ORDERED. THE CLERK SHALL CLOSE THE FILE.

13 Dated: March 1, 2010.



15 CASE NO. 07-1427-WHA (JCN) (EDL)

16 -3-

17 STIPULATION AND CONSENT TO
ENTRY OF JUDGMENT